

ENTERED

November 17, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**KORNELIUS RAY SEPHUS
(a/k/a/ Cornelius Ray Sephus),
(TDCJ-CID #00635586)

Plaintiff,

vs.

DOCTOR DAVENPORT, *et al.*,

Defendants.

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CIVIL ACTION NO. H-16-3157

MEMORANDUM ON DISMISSAL

Kornelius Ray Sephus, a Texas Department of Criminal Justice inmate, filed this suit in October 2016. He is representing himself and seeks leave to proceed without prepaying costs. He has sued the director of TDCJ and prison officials at the Skyview Unit of the TDCJ, including the warden, a medical doctor, and two corrections officers. Smith alleges that two prison guards came to his cell to release him, but he refused to be released without proper documentation. He alleges that the guards began stabbing him, but the wounds closed up by themselves. He alleges that beginning on August 29, 2016, other inmates and guards repeatedly assaulted him; that prison officials are stealing his checks; and that he owns the State of Texas and the Texas Board of Pardons and Paroles. He asks that the court appoint the Texas Attorney General's Office to represent him because he owns the State of Texas; order that he be paid compensatory damages of \$1.5 million; and order that his criminal record be expunged.

Sephus's claims are barred by the three-strikes provision of 28 U.S.C. § 1915(g). A prisoner may not bring a federal civil action without prepaying costs if, while incarcerated, three or more of

his civil actions or appeals were dismissed as frivolous or malicious or for failure to state a claim upon which relief may be granted, unless he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Before Sephus filed this action, he had at least three suits dismissed as frivolous: *Sephus v. Stelle, et al.*, Civil Action No. 4:05-2080 (dismissed as frivolous on August 9, 2007) (S.D. Tex.); *Sephus v. Pagan*, Appeal No. 95-50689 (dismissed as frivolous on April 15, 1997) (5th Circuit); and *Sephus v. Stewart, et al.*, Civil Action No. 5:94-1048 (dismissed as frivolous on November 29, 1995) (W.D. Tex.).

In the present case, Sephus has not alleged, nor does his complaint demonstrate, that he is in imminent danger of serious physical injury. He is barred under 28 U.S.C. § 1915(g) from proceeding without prepaying costs. He is also barred because at least some of the claims are so implausible on their face that they cannot proceed.

Sephus's motion to proceed without prepaying costs, (Docket Entry No. 2), is denied. His complaint is dismissed under 28 U.S.C. § 1915(g). Sephus's motion for the appointment of counsel, (Docket Entry No. 3), is denied. All other pending motions are denied. Sephus is warned that continued frivolous filings may result in the imposition of sanctions.

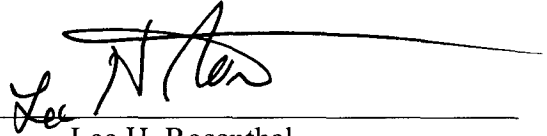
The Clerk will provide a copy of this order by regular mail, facsimile transmission, or e-mail to:

(1) the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas, 78711, Fax: 512-936-2159;

(2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793; and

(3) the District Clerk for the Eastern District of Texas, Attention: Manager of the Three-Strikes List, Lori_stover@txed.uscourts.gov.

SIGNED on November 16, 2016, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lee H. Rosenthal', is written over a horizontal line.

Lee H. Rosenthal
Chief United States District Judge